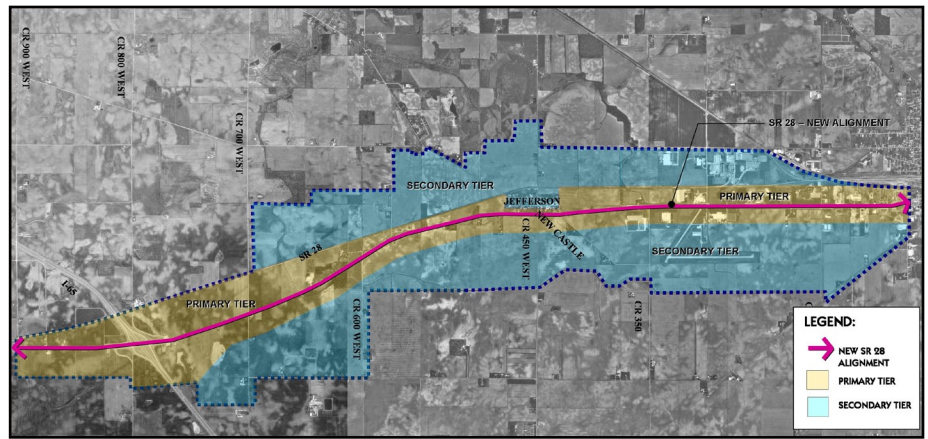


Overlay Zones

Description

An overlay district is a “transparent” zone that lies on top of the existing zoning. It is typically used to add additional design standards or restrictions beyond those required by the existing zoning. Unless specifically modified by the overlay district, development adheres to the base district (existing zoning). Overlay Districts are used differently in different communities, but they generally are used to unify streetscape and architecture without monotony, control traffic problems and signage, and provide for open space and landscaping. Overlay Districts do not attract development, but they ensure that the development that occurs is higher quality.



SR 28 Overlay District, Clinton County, Indiana

An overlay district is usually used when there is a special public interest to be served that does not coincide with already mapped traditional zones. An overlay district may cover parts of several zones or only a portion of an underlying zone. Generally, the underlying zone determines the permitted land uses, while the overlay district restricts the design, requires additional setbacks, or sets into place any other restrictions that meet the district's purpose. In cases where there is a conflict between the requirements of the overlay district and the underlying zoning, the overlay restrictions apply (Zoning News, 1991).

Overlay districts are most common for:

- Downtown areas
- Historic areas
- Corridors
- Airport development
- Natural resource areas (rivers, shore lines, etc.)

Some of the other types of overlay districts are:

- Transit supportive (or oriented) development
- Infill
- Pedestrian walkability

In some cases the overlay district may reduce the requirements for setbacks, landscaping, or parking to preserve a specific character (such as in a downtown area). An overlay district in some instances will modify the permitted uses of the district in order to preserve or promote the character of the district.

Overlay Zones

The following can be regulated in an overlay district:

- Lot size
- Accessory buildings
- Building height and area
- Architectural design
- Landscaping
- Storage and loading areas
- Parking
- Lighting
- Signage
- Access points
- Development review procedure
- Land uses

A local government's authority to create an overlay district is implied in the delegation of the power to enact zoning restrictions and create zoning districts. One purpose of zoning is to ensure consideration for the character of areas and their suitability for conserving the value of buildings and encouraging the most appropriate use of the land (Pace, 2001). In Indiana the statutes say that "A geographic area may be subject to more than one (1) district," hence authorizing the use of overlay zones.

Overlay zones are adopted the same as any other zoning amendment. When the text amendment is made creating the regulations for the overlay zone, a map amendment should also be adopted to establish the boundaries for the overlay zone. When an applicant seeks to vary from the requirements of an overlay district, they must apply to the Board of Zoning Appeals for a variance just as they would if they were varying from the requirements of the base district.

Relevant Statutes

- IC 36-7-4-601: Zoning Ordinance; Powers and Duties of Legislative Body
- IC 36-7-4-602: Zoning Ordinance; Procedures for Adoption of Ordinances, Amendments, and Map Changes

Capacity Recommendations

A Plan Commission with available staff and resources should be in place for review and to make recommendations. In order to have zoning, a plan commission and Board of Zoning Appeals is required by Indiana Code.

Guidelines / Considerations for Implementation

- Regulations governing overlay districts can be established as part of a zoning ordinance or as a standard ordinance.

Example Ordinances

- **Clinton County SR 28 Overlay District:** The SR 28 overlay district establishes special land use and development requirements for the SR 28 corridor between I-65 and the City of Frankfort, Indiana. The intent is to support economic development along this corridor and establish an attractive gateway to Frankfort.
- **Ronald Reagan Parkway Overlay District:** The Ronald Reagan corridor overlay district establishes special land use, aesthetics and access management requirements for this new roadway in Hendricks County, Indiana. The unique feature of this overlay district is that it was established by three different communities since all have jurisdiction over some segment of the route. The overlay district unified the entire corridor.

Overlay Zones

Example Studies

No examples studies have been identified for this tool.

Helpful References and Links

- “Standards for Overlay Districts” Zoning News, American Planning Association, August 1991
- “Overlay Zoning Series III: Innovative Tools and Techniques, Issue Number 2” Pace University School of Law, 2001

Helpful Contacts

- **Indiana Land Use Consortium** is made up of different business, development, government, and education representatives from throughout Indiana. Its purpose is to offer educational information and discussion for land use policy in the state, guided by a list of principles on their website [<http://www.indianalanduse.org/index.html>].

Jamie Palmer, Chair
(317) 261-3046
jlpalmer@iupui.edu

- **Purdue University Community Extension Services – Land Use Team:** The Purdue Land Use team offers resources to help communities address land use issues. The team provides educational resources and a variety of programs for citizens, local officials, and other development groups [<http://www.ces.purdue.edu/landuse/index.html>].

Sam Cordes
Program Leader,
Leadership and Community Development
(765)494-3573
smcordes@purdue.edu

- **Center for Urban Policy and the Environment:** As part of the School of Public and Environmental Affairs at IUPUI, this organization can assist in a variety of planning related matters.

334 N. Senate Avenue,
Suite 300
Indianapolis, IN 46204
Tel: 317-261-3000
Fax: 317-261-3050
urbanctr@iupui.edu
<http://www.urbancenter.iupui.edu/AboutTheCenter/>

Other Possible Funding Sources

No other funding sources have been identified for this tool.

Overlay Zones

Program Objectives and Issues Addressed

- Growth management
- Implementation of plans
- Code/ policy enforcement
- Vision of development and growth
- Regulatory issues
- Zoning ordinance
- Subdivision control
- Development plan approval

See Also

- Landscape Overlay
- Zoning Ordinance
- Subdivision Regulation
- Advisory/ Area Plan Commission
- Comprehensive Corridor Plan